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10/718,376	11/19/2003	Richard C. Fickle	505,807-058	9538

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EXAMINER
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HUYNH, SON P

ART UNIT	PAPER NUMBER
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2424

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,376	<b>Applicant(s)</b> FICKLE ET AL.	
	<b>Examiner</b> SON P. HUYNH	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Sim discloses the file metadata are merely descriptors of the files. They are not related to the accuracy of delivery of the multimedia asset data files (page 15, paragraph 2). This argument is respectfully traversed.

Sim discloses file metadata related to block files, including content provider ID, attributes, media file ID, track ID, etc. . When user request content using metadata, only content/missing portion of content associated selected metadata are delivered (see included, but not limited to, 0115, 0121, 0166, 0188, 0207-0213, 0238). Thus, the

Art Unit: 2424

metadata related to at least accuracy of delivery of the multimedia asset data file (only multimedia asset data file/blocked associated with selected metadata such as track ID, media file ID, etc. is delivered).

Applicant further argues the specification provides ample support for meaning of business rules. See, for example, specification paragraphs 0027-0031...(page 15, paragraph 5). It is noted that M.P.E.P, section 2106.01, states "Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320,1322 (Fed. Cir. 1989)." In this case, the claims merely recite "business rules", the claim neither recite "MSO being different than the content provider".

For the reasons given above, rejections on the claims are sustained and discussed below.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 35-37 recite "the server". It is not clear whether "the server" refers to "a server" in line 5 of claim 25 or "a server" in line 3 of claim 35.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-40 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. Regarding claim 1 and 20, recites a method comprising receiving metadata....., is broad enough that the claim could be completely performed mentally,

Art Unit: 2424

verbally or without a machine nor is any transformation apparent. For example, the feature of “receiving metadata...” could be performed by a person/operator/distributor and the VOD server could be video rental store; the feature of “delivery...” could be performed via mail.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 25-33, 38-43, 46-48, 51, 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Headings et al. (US 2002/0143565).

Note: US 2009/01441554 (hereinafter referred to as Schein), US 2002/0143782 A1 (hereinafter referred to as H782), application No. 09/921,107, application No. 09/921,096 (US 2009/0138925 A1 – hereinafter referred to as H925), US 2002/0083006 A1 (hereinafter referred to as H006) are incorporated by reference in Headings (see Headings: paragraphs 0031, 0033, 0035, 0042, 0051). Documents incorporated by

Art Unit: 2424

reference in Headings are treated as part of text of the specification of Headings (see M.P.E. P 2163.07(b)).

Regarding claim 25, Headings discloses a method comprising:

ingesting content and metadata associated with the content provided by a content provider (depositing content and metadata associated with content provided by content supplier - figure 1, paragraphs 0008, 0012, 0044);

coordinating distribution of the metadata and the content (see include, but are not limited to, paragraphs 0008, 0044, 0050);

coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or system operator (MSO) (see include, but are not limited to, figures 5-6, 13-14, paragraphs 0008, 0012, 0044, 0050).

Regarding claim 26, Headings further discloses providing visibility into usage of the content (see include, but not limited to, paragraph 0044).

Regarding claim 27, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses registering the content (see include, but are not limited to, paragraphs 0012, 0028-0029, 0033, 0044);

coordinating accessing the content located in one of the internal location and external location (e.g., coordinating accessing the content located in of the internal

Art Unit: 2424

location and external location according to business rules and/or media related metadata -see include, but not limited to, paragraphs 0012, 0028-0029, 0031-0034, 0044; H925: paragraph 0037).

Regarding claim 28, Headings discloses the method as discussed in the rejection of claim 27. Headings further discloses further discloses assigning a provider identifier to the content provider (e.g., assigning user name/name to content supplier - see include, but not limited to, paragraph 0044; H782: paragraph 0033);

assigning a global unique identifier to the content based on the provider identifier and a provider asset identifier (e.g., assigning related data and/or title and/or unique identifier to the content of media asset based on content supplier identifier such as user name and related data, title, etc. of asset data - see include, but not limited to, paragraphs 0028, 0033, 0035, 0044-0045; H782: paragraph 0032).

Regarding claim 29, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses receiving the business rules from the MSO (see include, but not limited to, paragraphs 0008, 0012, 0029-0030, 0044);

validating the metadata and the content using the business rules (see include, but not limited to, paragraphs 0012, 0028-0033, 0039-0041, 0044, 0046).

Regarding claim 30, Headings discloses the method as discussed in the rejection of claim 29. Headings further discloses receiving the business rules comprises: receiving



Art Unit: 2424

the business rules including at least one of a rating filter, a pricing rule, a category rule, and a platform conversation rule (e.g., a pricing rule such as price, price range, category rule, parental control, etc. - see include, but not limited to, paragraphs 0012, 0029; H782: paragraph 0029).

Regarding claim 31, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses ingesting comprises: customizing an electronic program guide (EPG) (e.g., customizing menu with information regarding media assets such as title, category/genre, etc. - see include, but not limited to, paragraphs 0028, 0033-0035, 0042; H782: paragraphs 0028-0029, 0031-0033).

Regarding claim 32, Headings discloses the method as discussed in the rejection of claim 25. Headings further discloses ingesting comprises: providing an interface to allow a user to view and analyze metadata and scheduling information associated with the content (see include, but not limited to, paragraphs 0028, 0031-0032, 0041, 0044-0047; H782: paragraphs 0028-0029).

Regarding claim 33, Headings discloses the system as discussed in the rejection of claim 25. Headings further discloses interacting with an asset distribution system (ADS) to facilitate delivery of the content from a content provider to the MSO, the ADS including a pitcher and a catcher (activating component in content supplier for transmitting content and component in system operator for receiving the content from

Art Unit: 2424

content supplier – see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0044: H006: figures 1-2, 14-15).

Regarding claim 38, Headings discloses the method as discussed in the rejection of claim 26. Headings further discloses providing visibility into usage of the content comprises: preparing a usage report (e.g., collecting information for usage report -see include, but not limited to, paragraphs 0011, 0014, 0039-0040, 0042, 0044, 0046);

providing access to the usage report to a multiple service or system operator (MSO) or a content provider (see include, but not limited to, paragraphs 0011, 0014, 0039-0040, 0042, 0044, 0046).

Regarding claim 39, Headings teaches the method as discussed in the rejection of claim 38. Headings further discloses creating a master reporting database including usage information from across a MSO network (see include, but not limited to, paragraphs 0011, 0014, 0039-0040, 0042, 0044, 0046, 0060).

Regarding claim 40, Headings teaches the method as discussed in the rejection of claim 39. Headings further discloses preparing the usage report comprises exporting the usage report to an analysis system (e.g., exporting the usage report to royalty reporter and/or subscriber management system and/or other system for analysis - see include, but not limited to, paragraphs 0014, 0039-0040, 0044, 0056, 0060).

Art Unit: 2424

Regarding claim 41, the limitations of the system that correspond to the limitations of the method of claim 25 are analyzed as discussed in the rejection of claim 25, wherein the external layer to interface to an application client is interpreted as service platform interface to application of content supplier - see include, but are not limited to, figure 1, paragraphs 0008, 0028, 0044);

Headings further discloses a component programmatic application program interface (API) coupled to the external layer to interface with a plurality of engines (interpreted as supplier console and/or DESP control console and/or user service console and/or service platform 108 and/or website portal - see include, but not limited to, figure 1, paragraphs 0028, 0031, 0043-0048) comprising:

a workflow engine to manage workflows of ingesting a content and metadata associated with the content provided by a content provider, coordinating distribution of the metadata and the content, and coordinating uploading the metadata and the content to a server (e.g., media server or local server) for delivery to an end user (consumer) according to scheduling (e.g., roll out schedule) and business rules provided by a multiple service or systems operator (MSO) - see discussion in the rejection of claim 25 and paragraphs 0032, 0028-0031, 0035, 0044, 0050; H006: figures 1-2, 14-16, paragraphs 0042, 0044-0045); and

a relational database to store the metadata (e.g., related metadata are indexed and stored in content management system 110 or other designed area (e.g., database 132) -figure 1, paragraphs 0011, 0028, 0034).

Art Unit: 2424

Regarding claim 42, Headings discloses the system as discussed in the rejection of claim 41. Headings further discloses the plurality of engines further comprises:

a business object engine to managing business rules associated with the content, the business rules being provided by the MSO (see include, but not limited to, figure 1, paragraphs 0012, 0028-0029, 0032, 0044-0045; H006: paragraphs 0042, 0038; H782: paragraphs 0029-0031);

a package engine to manage packaging the content (e.g., engine in subscriber service system and/or content management 110 and content production application, etc. to manage preparation, programming, and distribution of media assets - see include, but not limited to, paragraphs 0031-0042);

a scheduling engine to schedule deployment of the content (engine for scheduling roll out and transmitting of the content - see include, but not limited to, paragraphs 0031-0042, 0050, 0056-0057; H782: paragraphs 0029-0030, 0041b 0053-0054);

a platform converter engine to customize an electronic program guide (EPG) designed by the MSO (see include, but not limited to, paragraphs 0032-0033, 0035, 0041-0043, 0050, 0056-0057; H006: paragraphs 0038-0039, 0042, 0057, wherein "EPG" is interpreted as guide/menu comprises media asset information such as title, author, prices, etc.);

a localization engine to localize the content (engine to customize content to target particular group/local server - see include, but not limited to, paragraphs 0032-0033, 0035, 0041-0043, 0050, 0056-0057; H006: paragraphs 0038-0039, 0042, 0057).

Regarding claim 43, Headings discloses the system as discussed in the rejection of claim 41. Headings further discloses a Web service API to facilitate communication used by one of the MSO and the content provider (e.g., website portal and/or Web interface for supplier to enter media assets, metadata and/or business rules - see include, but not limited to, figure 1, paragraphs 0028-0029, 0041, 0044, 0048; H006: figures 1-2).

Regarding claim 46, the limitations that correspond to the limitations of claim 41 are analyzed as discussed in the rejection of claim 41. Headings further discloses a server (e.g., one of servers in 108 and/or central server - see include, but not limited to, figure 1; H006: figures 1-2, 14);

a distribution network coupled to the server to distribute content provided by a content provider (network coupled to the server to distribute content provided by content supplier -see include, but are not limited to, figure 1, paragraphs 0030-0035, 0043, 0050; H006: figures 1-2, 14);

a content management system (e.g., content management and/or subscriber management) coupled to the server and the distributing network (see include, but are not limited to, figure 1, paragraphs 0031-0041, 0050; H006: figures 1-2, 14-15).

Regarding claims 47-48, the additional limitations that correspond to the additional limitations of claims 42-43 are analyzed as discussed in the rejection of claims 42-43.

Regarding claim 51, Headings teaches the system as discussed in the rejection of claim 46. Heading further discloses the distribution network comprises:

a pitcher used by the content provider to transmit the content and the metadata to the MSO via a distribution channel (transmitting component used by content supplier to transmit the content and metadata to the content user/operator via a channel between the content supplier and content user - see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0035, 0041);

a catcher used by the MSO to receive transmission from the pitcher via a downlink channel (any component used by user content/operator to receive transmission from transmitting component via a channel between the content supplier and content user/operator - see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0031, 0041, 0044).

Regarding claim 53, Headings further discloses one of the pitcher and the catcher communicates with the content management system via a network communication (see include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0031-0032, 0041, 0043-0044: H006, figures 1-2, 14-15).

Regarding claim 54, Headings further discloses the catcher receives the content locally using one of a physical medium, a local network, and a terrestrial based network (see

Art Unit: 2424

include, but not limited to, figure 1, paragraphs 0008, 0027-0028, 0031-0032, 0041, 0043-0044: H006, figures 1-2, 14-15).

Regarding claim 55, Headings further discloses wherein the content is one of a VOD content, an asset data file, a broadcast content, and a network content (see include, but not limited to, figure 1, paragraphs 0011, 0031).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headings in view of Buehl et al. (US 2002/0104093).

Regarding claim 52, Headings discloses the system as discussed in the rejection of claim 51. Headings does not explicitly disclose the distribution channel comprises a satellite uplink facility and the downlink channel comprises a satellite downlink facility.

Buehl discloses using high speed distribution network includes satellite link for content provider to provide content to headend (see include, but not limited to, paragraph 0026, figures 1). Thus, the distribution channel comprises a satellite uplink

Art Unit: 2424

facility and the downlink channel comprises a satellite downlink facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by Buehl in order to yield predictable results such as to provide content to the head and faster or to provide an alternative link for distributing content.

11. Claims 1-24 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. (US 2002/0143565 A1) in view of Sim et al. (US 2002/0078174 A1).

Regarding claim 1, Headings discloses a method comprising:

receiving metadata associated with a multimedia asset data file provided by at least one of a content provider and a multiple service or system operator ("MSO"), the multimedia asset data file having a content element with which the metadata is associated and being delivered to end users upon requested, the metadata related to at least accuracy of delivery of the multimedia asset data file (receiving metadata associated with media asset (e.g., movies, music videos, television programs, live events, games, etc.) provided by at least one of a content supplier and a multiple service or system operator ("MSO"), the media assets such as movies, television programs, etc. having a content element such as video elements, audio elements, etc. which the metadata is associated and delivered to users upon requested, the metadata is used to identify the desired asset and delivered desired/requested asset to predetermined location/date or time – see include, but not limited to, figures 1-2,



Art Unit: 2424

paragraphs 0008, 0011, 0012, 0014, 0028, 0033, 0035, 0044, 0046, 0050, 0059-0060;

H782: 0027, 0029; H782: paragraphs 0033-0035; H925: paragraphs 0006-0007);

validating the multimedia asset data file and the associated metadata by determining if the multimedia asset data file and the associated metadata comply with business rules provided by the MSO (validating the media asset data file and the associated metadata by determining if the media data files and associated metadata comply with business rules such as geographic location, bit rate service, service provider, encryption, price, price range, method of delivery, time frame, or password, etc. - see include, but not limited to, paragraphs 0012, 14, 0028-0032, 0035, 0044-0045; H782: paragraphs 0029, 0030, 0034);

coordinating delivering the multimedia asset data file and associated metadata to a video on demand ("VOD") server maintained by the MSO (e.g., coordinating/controlling delivering the media asset file and associated metadata to servers in media platform(s) - see include, but not limited to, figures 1-4, paragraphs 0050 -0051; H782: paragraph 0041; H925: paragraph 0009);

providing usage reports relating to usage of multimedia asset data files by end users of the MSO (providing report of consumer usage of media assets -see include, but not limited to, paragraphs 0039 -0040, 0042, 0044, 0046, 0059-0061).

Heading further discloses coded information regarding the use of the content for tracking or targeting purposes (paragraph 0033); media content usage may be tracked by subscriber management system (paragraphs 0040, Headings does not explicitly disclose tracking distributing the multimedia from one location to another location (i.e.,

Art Unit: 2424

from the content provider to the MSO, and tracking uploading the multimedia asset data file from the MSO to the VOD server).

Sim discloses coordinating delivering comprises tracking distributing the multimedia asset data file from the content provider to the MSO, and tracking uploading the multimedia asset data file from the MSO to the VOD server (e.g., tracking delivering asset of large file from content provider to CMS and/or root distribution server and from CMS/distribution server to other distribution server/edge server using metadata and “ack”/notification – see include, but are not limited to, figures 5-6, 13-14, paragraphs 0102-0111, 0204).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teachings including tracking distributing of multimedia asset data file from one location to another location as taught by Sim in order to yield predictable results such as to identify delivery interruption or delivery error or to locate desired data easily.

Regarding claim 2, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses the metadata are provided by at least one of the plurality of content providers and a plurality of MSOs (see include, but not limited to, Headings: paragraphs 0012, 0028, 0033; H782: paragraphs 0029).

Art Unit: 2424

Regarding claim 3, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking distributing comprises: tracking receipt (e.g, "ack"/notification) of the multimedia asset data file in elements, the elements comprises at least one of a feature file, a preview file, a graphic file, and associated basis metadata, wherein the associated basic metadata comprises information on the elements used to confirm delivery of the elements (see include, but are not limited to, Sim: paragraphs 0094-0097, 0102, 0104, 0108-0111, 0166, 0204, 0209-0217);

Headings in view of Sim further discloses receiving an identification of the MSOs scheduled to receive the multimedia asset data file from the content provider, and receiving delivery dates for delivery of the multimedia asset data file to each of the MSOS (see include, but are not limited to, Sim: paragraphs 0094-0095, 0102, 0108-0109, 0134, 0186, 0211-0213, 0238); and

receiving delivery dates for delivery of the multimedia asset data file to each of the MSOs (see include, but are not limited to, Headings: 0012: H782: paragraphs 0004, 0029, 0034-0035; Sim: paragraphs 0094-0095, 0102, 0108-0109, 0134, 0186, 0211-0213, 0238).

Regarding claim 4, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking distributing comprises tracking distributing using a delivery group, the delivery group comprises a plurality of multimedia asset data file (tracking delivery of video/large file comprises

Art Unit: 2424

portions of the large file - see include, but are not limited to, Sim paragraphs 0094-0097, 0102, 0104, 0108-0111, 0166, 0204, 0209-0217; see also Headings: paragraphs 0008, 0035, 0040-0041, 0056).

Regarding claim 5, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking distributing comprises:

registering the multimedia asset data file in order to identify the file, wherein registering the multimedia file comprises:

assigning a provider identifier to the content provider, and assigning a unique identifier to the multimedia asset data file provided by the content provider based upon the provider identifier and a provider asset identification, the provider asset identification being included with the multimedia asset data by the content provider (see include, but are not limited to, Sim: paragraphs: 0094, 0166-0167, 0204-0217).

Regarding claim 6, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses the tracking receipt comprises: staging the multimedia asset data file by entering a name for the multimedia asset data file into a staging directory (see include, but are not limited to, Sim: paragraphs 0204-0217);

providing a master markup language file (file for metadata, large file, or video program), the master markup language file comprising distribution information,

Art Unit: 2424

scheduling information, content information, and an identification for the multimedia asset data file, wherein the content information comprises data to enable retrieval of a plurality of elements to assemble the multimedia asset data file (see include, but are not limited to, Sim: paragraphs 0076-0082, 0092-0095, 0108-0111, 0166, 0204-0217, 0231-0243, 0264-0267; Headings: paragraphs 0033-0034, 0044, 0056; H782: paragraphs 0027, 0029, 0041).

Regarding claim 7, Headings in view of Sim discloses the method as discussed in the rejection of claim 6. Headings in view of Sim further discloses the elements used to assemble the multimedia asset data file comprises a movie or feature file, a preview file, and a graphic file (e.g., movie - see include, but are not limited to, Sim: paragraphs 115, 121, 148; Headings: paragraphs 0011, 0033; H782: paragraphs 0027, 0035).

Regarding claim 8, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses tracking transmission a plurality of elements of the multimedia asset data file to the MSO using a pitcher appliance (e.g., MSM, or root distribution server - see include, but are not limited to, Sim: figures 4-6, paragraphs 0094-0095, 0109, 0204-0211);

tracking receipt of the elements of the multimedia asset data file using a catcher applicant (e.g., distribution server or edge server - see include, but are not limited to, Sim: figures 4-6, paragraphs 0106, 0110, 0111, 0077, 0094, 0166);

receiving an alarm if one of the elements of the multimedia asset data file is not successfully received by the catcher application (e.g., receiving error, notification, or any information indicates the portion is not received/missing at the distribution server/edge server - see include, but are not limited to, paragraphs 0204, 0166).

Regarding claim 9, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses providing an asset locator identifying the multimedia asset data file to the VOD server (providing asset locator identifying the multimedia asset file to the distribution server/edge server – see include, but are not limited to, Sim: figures 15-18c, paragraphs 0166, 0206, 0209-0213, 0231-0232);

providing a schedule to the VOD server comprising instruction for the VOD server to request the multimedia asset data file from a catcher and the metadata, and tracking retrieval of the multimedia asset data file and associated metadata by initiating file transfers using the asset locator (see include, but are not limited to, Sim: figures 15-18c, paragraphs 0166, 0209-0213, 0231-0232, 0238-0244, 0253).

Regarding claim 10, Headings in view of Sim discloses the method as discussed in the rejection of claim 9. Headings in view of Sim further discloses using file transfer protocol (FTP) transfer (Sim: paragraphs 0081, 0115; Headings: paragraph 0027).

Art Unit: 2424

Regarding claim 11, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses providing an asset locator identifying an element of the multimedia asset data file to the VOD server, the VOD server submitting the asset locator to a catcher appliance (e.g., providing data file locator/identifier in metadata to the root DS, root DS submits the data file locator/identifier to a another distribution server/edge server - see include, but are not limited to, Sim: figures 3-7, 13-14, paragraphs 0094, 0166, 0207-0214, 0231-0232; See also Headings: figures 1, paragraphs 0033, 0035, 0050; H925: figures 1-2, 5, paragraphs 0029, 0032,0038);

tracking transmission of the element from the catcher appliance to the VOD server using the asset locator to retrieve the element (tracking transmission of the file from the CMS or root distribution server to another DS or edge server using asset locator/identifier to retrieve the file - see include, but are not limited to, Sim: figures 3-7, 13-14, paragraphs 0094, 0116, 0207-0214, 0231-0232).

Regarding claim 12, Headings in view of Sim discloses the method as discussed in the rejection of claim 11. Headings in view of Sim further discloses receiving an alarm from the VOD server if the element is not properly received (see similar discussion in the rejection of claim 8).

Regarding claim 13, Headings in view of Sim discloses the method as discussed in the rejection of claim 12. Headings in view of Sim further discloses performing a follow up or

Art Unit: 2424

diagnosis upon receiving the alarm indicating that the element is not properly received (e.g., in response to receiving notification, error, missing information, retransmitting or retrieving the file that is missing at the distribution server/edge server - see include, but are not limited to, Sim: paragraphs 0109-0111, 0166-0167, 0116-0117, 0231-0232).

Regarding claim 14, Headings in view of Sim discloses the method as discussed in the rejection of claim 9. Headings in view of Sim further discloses URL applies to all the servers (Sim: paragraph 0018) or using URL to retrieve ad asset or other data asset file (Headings: paragraph 0053; H925: par. 0050; H782:0038). It would have been obvious to one of ordinary skill in the art to incorporate asset locator is asset URL in Heading in view of Sim in order to yield predictable results such as to retrieve the asset from the Internet easily.

Regarding claim 15, Headings in view of Sim discloses the method as discussed in the rejection of claim 1. Headings in view of Sim further discloses receiving from the VOD server data on feature elements requested by end users of the MSO (receiving instruction, request and/or usage data from media platform server and/or servers connected to public service interface and/or private service interface -see include, but not limited to, figure 1, paragraphs 0050, 0053, 0040, 0059-0061);

creating a master reporting database using the data on feature elements requested by end user (creating reporting database/ preferences profile database using



Art Unit: 2424

viewing information/program watched by end users - see include, but are not limited to,

Headings: figure 1, paragraphs 0040, 0050, 0053, 0059-0061);

generating a usage report using the data contained in the master reporting database (generating a usage report using the data contained in the master reporting database to provide to content supplier – see include, but not limited to, paragraphs 0040, 0050, 0053, 0059-0061).

Regarding claim 16, Headings in view of Sim discloses the method as discussed in the rejection of claim 15. Headings further discloses content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and receive periodic royalty payments on that asset in accordance with their business rules (paragraph 0012). Supplier console permits a content supplier to remotely deposit its media assets, managing its media assets using business rules to control the distribution of and revenue generated from the media assets, and track consumer usage of its media assets to assist in consumer marketing decision. Content suppliers may access information collected by service platform relating to its media assets and other associated materials. This information may include content usage information such as the number of times a consumer has viewed its media assets or purchased its products, as well as content distribution and royalty reports. The content supplier may also use supplier console to create or supply business rules for association with one or more media assets supplied. The content supplier may be provided with a user name and a unique password to access the information on service platform (see paragraph 0044,

Art Unit: 2424

0046, 0059-0061). Thus, Heading's disclosure is read on providing usage reports comprises: restricting access by a content provider to the data contained in the master reporting database using the business rules provided by the MSO (e.g., usage name, password, or other information in business rules provided by MSO, operator and/or management system).

Regarding claim 17, Headings in view of Sim discloses the method as discussed in the rejection of claim 15. Headings further discloses providing usage reports comprises: analyzing the usage report to determine end user viewing characteristics (see include, but are not limited to, paragraphs 0040-0042, 0044, 0053, 0056-0061); and generating an advertising play list targeted to an end user based upon the viewing characteristic of the end user, wherein the advertising play list comprises advertising selected based upon the viewing characteristics of the end user (see include, but are not limited to, paragraphs 0033, 0041-0042, 0044, 0053, 0056-0057).

Regarding claim 18, Headings in view of Sim discloses the method as discussed in the rejection of claim 17. Headings further discloses providing usage reports comprises: supplementing a multimedia asset data file with data contained in the usage report, wherein the usage report comprises usage data for the multimedia asset data file (see include, but not limited to, paragraphs 0033, 0041-0042, 0044, 0053, 0056-0057, 0059-0061).

Art Unit: 2424

Regarding claim 19, Headings in view of Sim discloses the method as discussed in the rejection of claim 15. Headings further discloses providing usage reports comprises:

analyzing the usage report to determine end user viewing characteristics (see include, but are not limited to, paragraphs 0040-0042, 0044, 0053, 0056-0061);

selecting multimedia asset data file based upon end user viewing characteristics (see include, but are not limited to, paragraphs 0033, 0041-0042, 0044, 0053, 0056-0061);

performing a campaign management function chosen from the group consisting of bundling selected multimedia asset data file, setting pricing for selected multimedia asset data files, and setting promotions for selected multimedia asset data file (see include, but are not limited to, paragraphs 0012, 0028, 0033, 0045, 0056; H762: paragraphs 0029b 0032).

Regarding claim 20, Headings discloses a method comprising:

receiving a plurality of multimedia asset data files having content elements from a plurality of content providers (receiving a plurality of media assets having content elements from a plurality of content suppliers - see include, but not limited to, figure 1, paragraphs 0008, 0011, 0044);

receiving metadata associated with the content elements in the plurality of multimedia asset data files from at least one of the plurality of content providers and a plurality of multiple service or system operators (MSOs), the metadata related to at least

Art Unit: 2424

accuracy of delivery of the multimedia asset data files (see discussion in the rejection of claim 1 and paragraphs 0008, 0011, 0044, 0033);

receiving business rules provided by the MSO, the business rules corresponding to the multimedia asset data file and being identified with particular MSOs (see include, but not limited to, paragraphs 0012, 0028, 0029, 0044);

coordinating uploading the multimedia asset data file to a video on demand (VOD) server maintained by the MSO using an asset locator assigned to each multimedia asset data file (see discussion in the rejection of claim 1 and paragraphs 0045, 0050, 0057; H782: paragraphs 0029-0031, 0034-0035, 0041-0043, 0057; H925: paragraphs 0012, 0029, 0032).

Headings does not explicitly disclose tracking uploading the multimedia asset data files.

Sim discloses tracking uploading the multimedia asset data files (see discussion in the rejection of claim 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by Sim in order to provide a benefit as discussed in the rejection of claim 1.

Regarding claim 21, Headings in view of Sim teaches the method as discussed in the rejection of claim 20. Sim further discloses validating the multimedia asset data file and determining if the associated metadata comply with business rule provided by the MOSs (see discussion in the rejection of claim 1).

Regarding claim 22, Heading in view of Sim discloses the method as discussed in the rejection of claim 20. Headings in view of Sim further discloses coordinating uploading the associated metadata for the multimedia asset data files to the VOD servers (coordinating/arranging uploading metadata for media asset files to media server and/or local server , etc. see include, but not limited to, Headings: figure 1, paragraphs: 0032-0033, 0035, 0041-0042, 0050, 0056-0057; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052);

distributing a localized master schedule to each MSO (distribute a schedule to each local server and/or media server and/or system operator - see include, but not limited to, Headings: figure 1, paragraphs: 0032-0033, 0035, 0041-0042, 0050, 0056-0057; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052);

providing a schedule update to each MSO at regular intervals (e.g. periodically, weekly, etc. - see include, but not limited to, Headings: figure 1, paragraphs: 0032-0033, 0035, 0041-0042, 0050, 0056-0057; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052).

Regarding claim 23, Headings in view of Sim discloses the method as discussed in the rejection of claim 22. Heading in view of Sim further discloses tracking uploading the multimedia asset data files and the associated metadata to the VOD servers by reference to each MSO's localized master schedule (see include, but not limited to,

Art Unit: 2424

Headings: paragraphs 0032-0035, 0039-0042, 0050, 0059-0061; H782: paragraphs 0039-0043, 0057; H006: figures 2, 7, 15, , 0009, 0038, 0039, 0042, 0044, 0047, 0052; Sim: paragraphs 0108-0111, 0166).

Regarding claim 24, Headings in view of Sim discloses the method as discussed in the rejection of claim 22. Headings in view of Sim further discloses each schedule update comprises instruction for inserting and deleting multimedia asset data files from each MSO's localized master schedule (see include, but not limited to, Headings: paragraph 0035; H006: paragraphs 0044-0047).

Regarding claim 34, Headings discloses the method as discussed in the rejection of claim 33. Headings further discloses receiving information regarding when a transmission of an element of the content is initiated from the pitcher (see include, but not limited to, paragraphs 0012, 0028-0029, 0032, 0033, 0044; H782: paragraphs 0027, 0029, 0033, 0035);

tracking a request from a server to release the content received by the catcher (see include, but not limited to, paragraphs 0050, 0055-0056, 0059-0061).

Headings further discloses content management automates the content management workflow, fro receipt of media assets and related data (paragraph 0032). However, Headings does not explicitly disclose requesting retransmission of the element if an alarm is received from the catcher.

Sim discloses receiving information regarding when a transmission of an element of the content is initiated from the pitcher (see include, but are not limited to, paragraphs 0094-0098, 0102, 0109, 0213); requesting retransmission of the content if an alarm is received from the catcher (e.g., request for missing or destroyed file if an alarm, notification or error, etc. is received from the receiver of distribution server/edge server - see include, but are not limited to, paragraphs 0166-0167, 0190, 0204); Sim further discloses tracking a request from a server to release the content received by the catcher (see include, but are not limited to, paragraphs 0166-0167, 0213, 0238). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teachings as taught by Sim in order to yield predictable results such as to notify content provider of missing data or to prevent interruption of content and a file.

12. Claims 35-37, 44-45, 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headings in view of Ellis et al. (US 2003/0020744 A1 - hereinafter referred to as E744).

Note: US 2003/0149988 (referred to as E988) and US 20050149964 (referred to as Thomas) are incorporated by references in their entirety in E744 (see E744: paragraphs 0104, 0108). All application/patents incorporated by references in E744 in their entirety are treated as portion of the specification of E744.

Art Unit: 2424

Regarding claim 35, Headings discloses the method as discussed in the rejection of claim 25. Headings providing a customized or localized master schedule for the MSO to the server, the master schedule having an asset locator (providing schedule targeting to particular server or local server, the schedule/menu having an asset locator such as locator of storage that store the asset and/or URL – see include, but not limited to, discussion in the rejection of claim 22);

receiving a metadata locator corresponding to the content from the server (e.g., receiving a metadata locator such as URL and/or location of content from the media server and/or local server – see include, but not limited to, paragraphs 0035, 0041-0043, 0050, 0053; H006: paragraphs 0056);

receiving an asset locator to the server in response to the metadata locator, the server retrieving an element of the content from a catcher using the asset locator (see include, but not limited to, paragraphs 0035, 0041-0043, 0050, 0053; H006: paragraphs 0056); and

interacting with the server during transfer of the element of the content from the catcher to the server (see include, but not limited to, paragraph 0036, 0050).

However, Headings does not explicitly disclose receiving a schedule request from a server.

E744 discloses receiving a schedule request from a server (e.g., receiving request for a particular schedule from local server – see include, but not limited to, figures 5-8c); E744 also discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset locator (distributing a



Art Unit: 2424

customized program guide schedule to television distribution facility/node, and the program guide having asset locator such as channel source, time, etc. – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by E744 in order to yield predictable results such as to provide schedule to user at desired time.

Regarding claims 36-37, Headings in view of E744 discloses the method as discussed in the rejection of claim 35. Sim in view of E744 does not explicitly discloses retransmitting the asset locator upon receiving an alarm from the server indicating that the asset locator is not received properly by the server or performing a follow-up or diagnosis upon receiving an alarm from the server indicating that the element is not received properly by the server. Official Notice is taken that retransmission the asset locator upon receiving an alarm/notification from receiving device at receiving site indicating the asset locator is not received properly by the receiving device or performing a follow-up or diagnosis upon receiving an alarm from the server indicating that the element is not received properly by the server is well-known in the art. For example, retransmitting location information of content when a notification or information from the receiving device indicating the data is not received correctly or not received at all. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings in view of E744 with the well-known

Art Unit: 2424

teaching in the art in order to yield predictable results such as to prevent the loss of content or prevent interruption.

Regarding claim 44, Headings discloses the system as discussed in the rejection of claim 43. Headings further discloses registering the content (see discussion in the rejection of claim 27) and a schedule to distribute or upload the content (see discussion in the rejection of claim 35). However, Headings does not specifically disclose receiving a schedule request from the server.

E744 discloses receiving a schedule request from a server (e.g., receiving request for a particular schedule from local server – see include, but not limited to, figures 5-8c); E744 also discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset locator (distributing a customized program guide schedule to television distribution facility/node, and the program guide having asset locator such as channel source, time, etc. – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headings with the teaching as taught by E744 in order to yield predictable results such as to provide schedule to user at desired time.

Headings further discloses content management automates the content management workflow, from receipt of media assets 102 and related data (paragraph 0032). It would have been obvious to one of ordinary skill in the art to incorporate in Headings the teaching of receiving a confirmation call from one of a pitcher (transmitting

Art Unit: 2424

component) and a catcher (receiving component) regarding the status of transfer of an element of the content in order to yield a predictable results such as to prevent data loss or to improve convenience for identifying interruption of data transmsion.

Regarding claim 45, Headings in view of E744 further discloses receiving a metadata request from the server for localized package metadata (see include, but not limited to, Headings: paragraphs 0035, 0050; E744: figures 5-8, 18-23);

receiving a reporting call from the server to deliver usage report (see include, but are not limited to, Headings: paragraphs 0039, 0044, 0055, 0059-0061).

Regarding claims 49-50, the additional limitations that correspond to the additional limitations in claims 44-45 are analyzed as discussed in the rejection of claims 44-45.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rieschl et al. (US 7,188,357) discloses video on demand video server disk/memory streaming selection methodology.

Sanders (US 2002/0059394) discloses content propagation in interactive television.

Art Unit: 2424

Noritomi et al. (US 6,473,902) discloses method and apparatus for transmitting programs.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2424

October 5, 2009